

### **REMARKS**

Claims 1, 5-18 and 22-30 are currently pending. Applicants have amended claims 1, 17, 22, and 25, canceled claims 12 and 18, and added new claims 33-35. No new matter has been added.

The applicants thank the Examiner for pointing out the dependency issue associated with claim 22. Applicants have amended claim 22 to correctly depend from claim 17.

The Examiner has rejected claims 1, 5-18 and 22-30 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,400,730 to Latif et al (hereinafter Latif). Specifically, the Examiner asserts that Latif discloses transmitting packets through IP network 60 and switch 35 to a Fibre storage device in a sequential order, and from the Fibre storage network through switch 35 and IP network 60 to a SoIP device 50 in a non-sequential order. Sequential order is guaranteed because the connection between the switch and the Fibre storage device is a serial interface, and sequential order is not guaranteed between the switch and the SoIP device 50 because Internet Protocol does not guarantee maintenance of packet order. The Examiner indicates that it would have been obvious to one of ordinary skill in the art that packets would travel along different IP network paths because it is the nature of an IP network cloud not to have any service guarantees.

Applicants respectfully submit that under the interpretation suggested by the Examiner, Latif fails to disclose or suggest all the limitations of any amended independent claim of the present application. Applicants have amended independent claims 1, 17, and 25 to indicate that packets associated with a transaction are routed in a multi-path network between two devices along a single path in one communication direction, and packets are routed along multiple paths in the multi-path network in the other communication direction. Specifically, claim 1 indicates that "the first sequence of packets [are routed] along the

same path in the network" in one direction, and "at least two packets of the second sequence of packets [are routed] along different paths in the network" in the other direction. Claim 17 indicates that a sequence of packets "associated with a single transaction" are routed "along a single path in the switching network" in one direction, and a second sequence of packets are routed "along multiple paths in the switching network" in the other direction. And Claim 25 indicates that packets are received "in sequential order" and "routed along a single path" in one direction and received in "non-sequential order" and "routed along multiple paths" in the other direction. Such asymmetric packet ordering is discussed with respect to Figures 16, 17, 18, and other locations in the application.

Latif fails to disclose or suggest all of the limitations of the applicants' claims because it does not disclose routing differently in a multi-path network depending on the direction of communication between two communication nodes. As noted by the examiner, in Latif the communication from the switch 35 to a Fibre storage device will be in a sequential order through the Fibre channel, and communication from the switch 35 to the SolP device 50 will be in a non-sequential order through the IP network. The type of packet routing does not change, however, whether communicating from the Fibre storage device to the SolP device, or communicating from the SolP device to the Fibre storage device. Nor does Latif disclose using different routing within the same multi-path network. Claims 1, 17, and 25 are therefore patentably distinct over Latif, as are the claims that depend from 1, 17 and 25.

Applicants further note that many of the dependent claims suggest additional novel features of asymmetric packet ordering. For example, data may be cached to ensure sequential delivery of packets as set forth in claim 6, and program operation may be suspended until data is received as set forth in claim 7. Data may also be transmitted on the same port or different ports as set forth in claim 28-29. New claims 33-35 indicate that the path routing is determined on a per transaction basis.

For these and other reasons, applicants request that the outstanding objections rejections be withdrawn. By focusing on specific claims and claims limitations in the discussion above, applicants do not intend to imply an agreement with the Examiner's assertions regarding other claims and claim limitations. If the Examiner believes that a telephone conference would expedite prosecution of this application, the Examiner is encouraged to call the undersigned at (206) 359-3129. Otherwise, applicants respectfully request reconsideration of this application and its early allowance.

Applicants attach a Request for Continued Examination (RCE) and Petition for Extension of Time. As noted on the attached RCE and Petition for Extension of Time, the Commissioner is authorized to charge fees totaling \$1,270.00 to Deposit Account No. 50-0665. Additionally, the Commissioner is hereby authorized to charge any underpayment, or credit any overpayment, for this filing to Deposit Account No. 50-0665, under Order No. 594728816US, from which the undersigned is authorized to draw.

Dated:

11 December 2007

Respectfully submitted,

By Stephen Bishop  
Stephen Bishop  
Registration No.: 38,829  
PERKINS COIE LLP  
P.O. Box 1247  
Seattle, Washington 98111-1247  
(206) 359-8000  
(206) 359-7198 (Fax)  
Attorney for Applicant